

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 MIRANDA KANE (CABN 150630)
3 Chief, Criminal Division

4 MEREDITH J. EDWARDS (CABN 279301)
Special Assistant United States Attorney

5 150 Almaden Boulevard
6 San Jose, California 95113
Telephone: (408) 535-5589
7 Facsimile: (408) 535-5066
8 Email: meredith.edwards@usdoj.gov

9 Attorneys for the United States of America

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 UNITED STATES OF AMERICA,)
15 Plaintiff,)
16 v.)
17 VICTOR HERREJON-VEGA,)
18 Defendant.)
19 _____)

No. CR 13-00195 DLJ

STIPULATION AND ~~PROPOSED~~
ORDER RESCHEDULING HEARING
DATE AND EXCLUDING TIME UNDER
THE SPEEDY TRIAL ACT

20
21 STIPULATION

22 The United States, by and through Special Assistant United States Attorney Meredith J.
23 Edwards, and defendant Victor Herrejon-Vega, by and through Assistant Federal Public
24 Defender Diana Garrido, hereby stipulate that, with the Court's approval, the status hearing
25 currently set for Thursday, April 25, 2013, at 9:00 a.m., be vacated and rescheduled for Thursday,
26 May 2, 2013, at 9:00 a.m.

27 The rescheduling is requested to provide counsel for both the government and the
28 defendant with additional time to conduct further review the discovery and to negotiate an

1 appropriate disposition. The continuance would provide both parties with the reasonable time
2 necessary for effective preparation. Further, government counsel will be out of town on April 25,
3 2013, and therefore will be unavailable for the currently scheduled status conference on that date.

4 Both parties respectfully request that the time between April 25, 2013 and May 2, 2013
5 be excluded under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective
6 preparation and continuity of counsel.

7
8 Dated: April 22, 2013

/s/
MEREDITH J. EDWARDS
Special Assistant United States Attorney

9
10
11 Dated: April 22, 2013

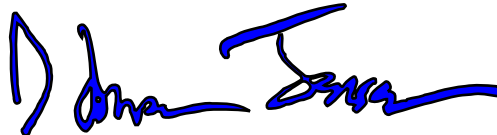
/s/
DIANA A. GARRIDO
Assistant Federal Public Defender

~~PROPOSED~~ ORDER

Pursuant to the agreement and stipulation of the parties, the Court hereby orders that the status hearing in this case, previously scheduled for April 25, 2013, at 9:00 a.m., be vacated and rescheduled for May 2, 2013, at 9:00 a.m. The Court further orders that the time between April 25, 2013 and May 2, 2013 is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), that the failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court further finds that the failure to grant the requested continuance would unreasonably deny the government continuity of counsel. The Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: 1 14 13



THE HONORABLE D. LOWELL JENSEN
United States District Judge